

DRAFT WATER QUALITY CERTIFICATE

Certificate No: 200903876-KB

Municipality: Stratford

Work Area: Long Beach West along Long Island Sound and Lewis Gut in Stratford

Certificate Holder: United States Fish and Wildlife Service

Pursuant to section 401 of the Federal Clean Water Act, as amended; and in accordance with section 22a-98 of the Connecticut General Statutes ("CGS"), and the Connecticut Water Quality Standards dated December 2002, a water quality certificate ("certificate") and federal coastal zone management consistency concurrence are hereby granted by the Commissioner of Environmental Protection ("Commissioner"), to remove abandoned cottages and associated structures to restore a barrier beach at Long Beach West as is more specifically described below in the SCOPE OF AUTHORIZATION, in Long Island Sound and Lewis Gut identified as the "work area" above.

*******NOTICE TO CERTIFICATE HOLDERS AND CONTRACTORS*******

FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS CERTIFICATE MAY SUBJECT THE CERTIFICATE HOLDERS AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING PENALTIES AND INJUNCTIONS, AS PROVIDED BY LAW.

SCOPE OF AUTHORIZATION

The Certificate Holder is hereby authorized to conduct the following work as described in Water Quality Certificate #20090010-KB including five (5) sheets of plans submitted by the Certificate Holder to the Commissioner as follows: Vicinity Map dated October 21, 2009; Cottage Removal Plan, Sheet 1 of 4 dated November 16, 2009; Cottage Removal Plan, Sheet 2 of 4, dated November 16, 2009; Cottage Removal Plan, Sheet 3 of 4 dated November 16, 2009; and Cottage Removal Plan, Sheet 4 of 4 dated November 16, 2009 attached hereto:

1. remove in their entirety the following in-water structures:
 - a.) cottage numbers 1,2,3,4 and 13; the remnants of cottage 6 that may include decks and support piers and 13 as shown on the Cottage Removal Plan, Sheet 1 of 4;
 - b.) seven garages identified as 29A, 30A, 31A, 32A, 33A, 34A, and 35A as shown on the Cottage Removal Plan, Sheet 1 of 4;
 - c.) four residential docks including pilings, timbers, floats and associated debris;

- d.) several stone and masonry retaining walls;
 - e.) gravel boat launch ramp; and
 - f.) debris and trash;
2. re-grade any unstable slopes and place erosion control blankets as necessary;

UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE CERTIFICATE HOLDER ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS CERTIFICATE.

SPECIAL TERMS AND CONDITIONS

1. All work authorized herein shall be conducted in a manner consistent with Flood Management Certificate No. FM 200903807.
2. All work authorized herein shall be conducted in a manner consistent with the Basis for Determination of Incidental Taking prepared by DEP and approved by the Office of Policy and Management pursuant to (CGS Sec 26-310(d).
3. The Certificate Holder shall be responsible for implementing the long-term monitoring requirements associated with this project. Such monitoring shall be done in accordance with the requirements outlined in the Basis for Determination of Incidental Taking Attachment G of Final Environmental Assessment referenced in paragraph 2., above.
4. The Certificate Holder shall implement the Restoration Strategy document for Long Beach West outlined in Attachment G of Final Environmental Assessment and referenced in paragraphs 2. and 3., above.
5. The Certificate Holder shall be responsible for implementing the Invasive Species Management Plan outlined in Attachment G of Final Environmental Assessment and referenced in paragraphs 2. And 3., above.
6. The Certificate Holder shall implement the vegetation management plan in consultation with the DEP Inland Fisheries Division for Long Beach West outlined in Attachment G of Final Environmental Assessment and referenced in paragraphs 2. And 3., above.
7. Prior to the commencement of work on-site, the Certificate Holder shall ensure that all state listed plants and areas where endangered, threatened and special concern bird and animal species are documented shall be protected. Such areas shall be clearly marked by construction fencing or any other feasible manner. The locations for the state listed plants are depicted on the Cottage Removal Plan map attached hereto.
8. All work authorized herein including the removal or disposition of debris shall be conducted pursuant to Connecticut General Statutes Sections 22a-208a, 22a-252, 22a-449(c), 22a-454, and 22a-467, and Regulations of Connecticut State Agencies ("RCSA") Sec 22a-209, 22a-

449(c)-10, 22a-449(c)-100 through -119, inclusive, and 22a-454.

9. In completing the work authorized herein, the Certificate Holder shall conduct any asbestos removal work in accordance with the CT Department of Public Health asbestos abatement requirements.
10. All work authorized herein shall be conducted in a manner consistent with the General Permit Registration for Discharge of Stormwater and Dewatering Wastewaters from Construction Activities within the Bureau of Water Management.
11. The Certificate Holder shall not conduct any work authorized herein between March 15th and September 15th of any calendar year in order to protect plovers and terns unless otherwise authorized in writing by the Commissioner.
12. The Certificate Holder shall restore any disturbed beach or dune areas by March 15th of any calendar year such that the site is stabilized and any ruts created by machinery are repaired so as to not interfere with plover nesting or chick survival.
13. The Certificate Holder shall coordinate with the United Illuminating Company and the DEP Wildlife Division to determine whether the existing occupied osprey pole on-site shall remain or shall be removed.
14. Prior to the commencement of work authorized herein, the Certificate Holder shall establish construction limits around the work site so as to limit site work and disturbance.
15. The Certificate Holder shall install sedimentation and erosion controls in the construction areas in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control. Such controls shall be maintained in optimal operating condition until the work authorized herein has been completed and the site has stabilized.
16. Prior to the removal of any septic systems found on-site, the Certificate Holder shall have a licensed CT septic contractor pump such system if necessary. The associated tanks and leaching systems shall be disposed of properly.
17. The Certificate Holder shall remove all existing utilities from the site unless otherwise authorized in writing by the Commissioner.
18. The Certificate Holder shall not adversely impact the existing private shellfish lots as depicted on the Cottage Removal Plans attached hereto.
19. The Certificate Holder shall not stage or store any equipment in areas located waterward of the high tide line or within tidal wetlands.
20. The Certificate Holder may use barge mounted equipment only during high water conditions to conduct the work authorized herein.
21. Upon removal of the structures authorized in paragraph 1a. through 1f., of the SCOPE OF

AUTHORIZATION, above, the Certificate Holder shall regrade the area to stabilize the slope and shall install erosion control blankets as necessary.

22. The Certificate Holder shall pull or cut at the mudline all piles located located waterward of the high tide line unless specifically authorized in writing by the Commissioner.
23. The Certificate Holder shall remove and dispose of all existing debris at an upland facility approved for such disposal.
24. Upon completion of the work authorized herein, the site shall be restored to pre-construction conditions unless otherwise authorized in writing by the Commissioner.
25. Not later than two (2) weeks prior to the commencement of any work authorized herein, the Certificate Holder shall submit to the Commissioner, on the form attached hereto as Appendix A, the name(s) and address(es) of any contractor(s) employed to conduct such work and the expected date for commencement and completion of such work.
26. On or before (a) ninety (90) days after completion of the work authorized herein, or (b) upon expiration of the work completion date or any authorized one-year extension thereof, whichever is earlier, the Certificate Holder shall submit to the Commissioner "as-built" plans prepared and sealed by a licensed engineer, surveyor or licensed architect, as applicable, of the work area showing all contours, bathymetries, tidal datums and structures.

GENERAL TERMS AND CONDITIONS

1. All work authorized by this certificate shall be completed within five (5) years from date of issuance of this certificate ("work completion date"), except that maintenance or restoration as specified in the SCOPE OF AUTHORIZATION may be conducted at any time, in accordance with all conditions of this certificate and any other applicable law.
 - a. The Certificate Holder may request a one-year extension of the work completion date. Such request shall be in writing and shall be submitted to the Commissioner at least thirty (30) days prior to said work completion date. Such request shall describe the work done to date, work which still needs to be completed and the reason for such extension. The Commissioner shall grant or deny such request in her sole discretion.
 - b. Any work authorized herein conducted after said work completion date or any authorized one-year extension thereof is a violation of this certificate and may subject the Certificate Holder to enforcement action, including penalties, as provided by law.
2. In conducting the work authorized herein, the Certificate Holder shall not deviate from the attached plans, as may be modified by this certificate. The Certificate Holder shall not make de minimis changes from said plans without prior written approval of the Commissioner.
3. Prior to the commencement of any work authorized hereunder, the Certificate Holder shall cause a copy of this certificate to be given to any contractor(s) employed to conduct such work.

At the work area, the Certificate Holder shall, whenever work is being performed, make available for inspection a copy of this certificate and the final plans for the work authorized herein.

4. The Certificate Holder shall notify the Commissioner in writing of the commencement of any work and completion of all work authorized herein no later than three (3) days prior to the commencement of such work and no later than seven (7) days after the completion of such work.
5. Upon completion of any work authorized herein, the Certificate Holder shall restore all areas impacted by construction, or used as a staging area or accessway in connection with such work, to their condition prior to the commencement of such work.
6. Any document required to be submitted to the Commissioner under this certificate or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Permit Section
Office of Long Island Sound Programs
Department of Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3034 Fax # (860) 424-4054

7. The date of submission to the Commissioner of any document required by this certificate shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this certificate, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three (3) days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this certificate, the word "day" as used in this certificate means calendar day. Any document or action which is required by this certificate to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.
8. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the purpose set out in this certificate. No change in the purpose or use of the authorized work or facilities as set forth in this certificate may occur without the prior written authorization of the Commissioner. The Certificate Holder shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this certificate, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.
9. This certificate may be revoked, suspended, or modified in accordance with applicable law.
10. This certificate is not transferable without prior written authorization of the Commissioner. A

request to transfer a certificate shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Certificate Holder's obligations under this certificate shall not be affected by the passage of title to the work area to any other person or municipality until such time as a transfer is authorized by the Commissioner.

11. The Certificate Holder shall allow any representative of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this certificate.
12. In granting this certificate, the Commissioner has relied on representations of the Certificate Holder, including information and data provided in support of the Certificate Holder's application. Neither the Certificate Holder's representations nor the issuance of this certificate shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.
13. In the event that the Certificate Holder became aware that they did not or may not comply, or did not or may not comply on time, with any provision of this certificate or of any document required hereunder, the Certificate Holder shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Certificate Holder shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Certificate Holder shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Certificate Holder shall not excuse noncompliance or delay and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.
14. In evaluating the application for this certificate the Commissioner has relied on information and data provided by the Certificate Holder and on the Certificate Holder's representations concerning site conditions, design specifications and the proposed work authorized herein, including but not limited to representations concerning the commercial, public or private nature of the work or structures authorized herein, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, this certificate may be modified, suspended or revoked, and any unauthorized activities may be subject to enforcement action.
15. The Certificate Holder may not conduct work waterward of the high tide line or in tidal wetlands at this certificate site other than the work authorized herein, unless otherwise authorized by the Commissioner pursuant to section 22a-359 et. seq. and/or section 22a-32 et. seq. of the CGS.
16. The issuance of this certificate does not relieve the Certificate Holder of their obligations to obtain any other approvals required by applicable federal, state and local law.

17. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this certificate shall be signed by the Certificate Holder and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."
18. This certificate is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby.

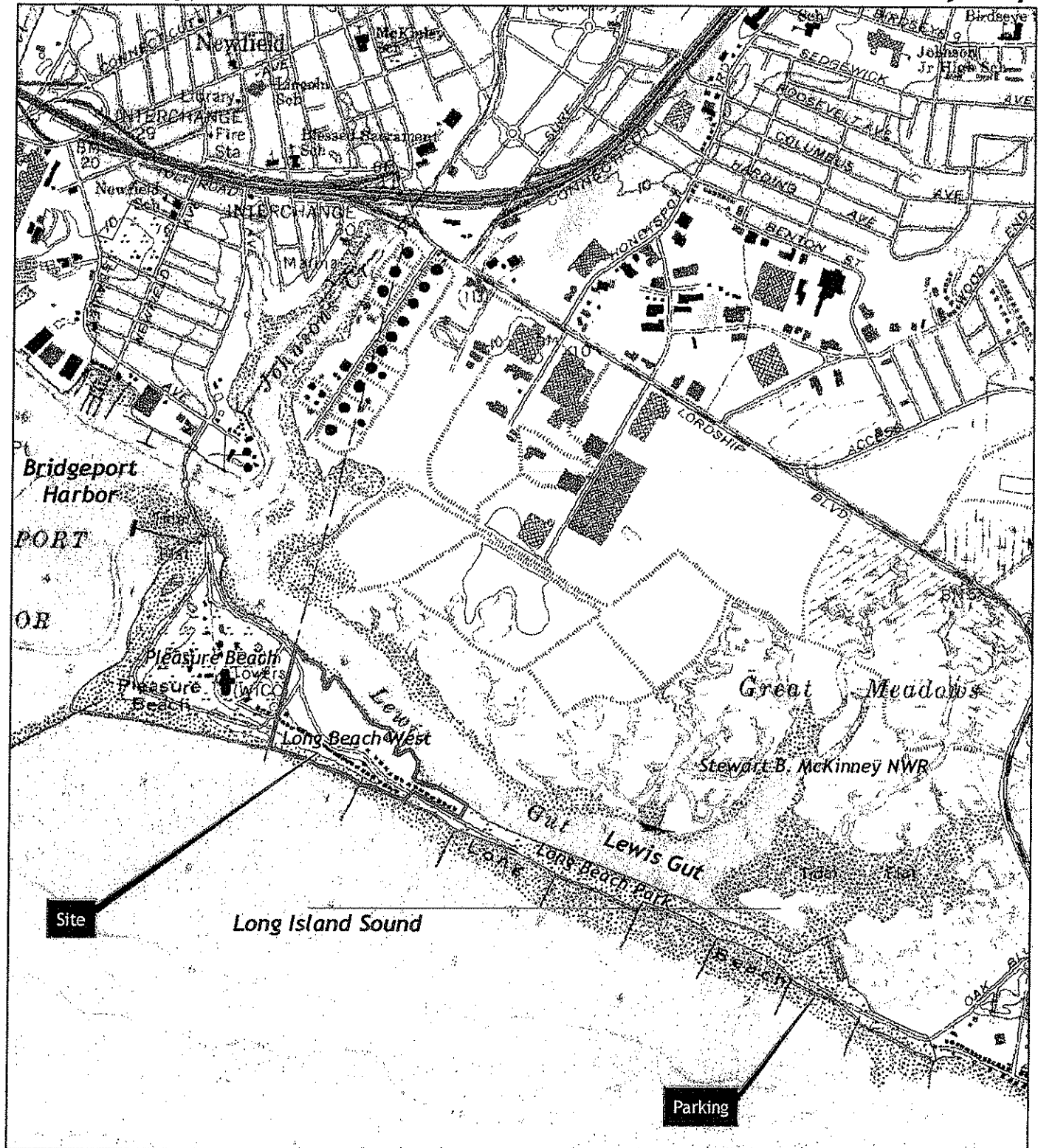
Issued on _____, 2010.

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Amey W. Marrella
Commissioner

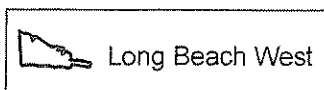
Certificate No. 200903876-KB, Stratford
United States Fish and Wildlife Service

Attachment I Vicinity Map



1 inch equals 1,500 feet

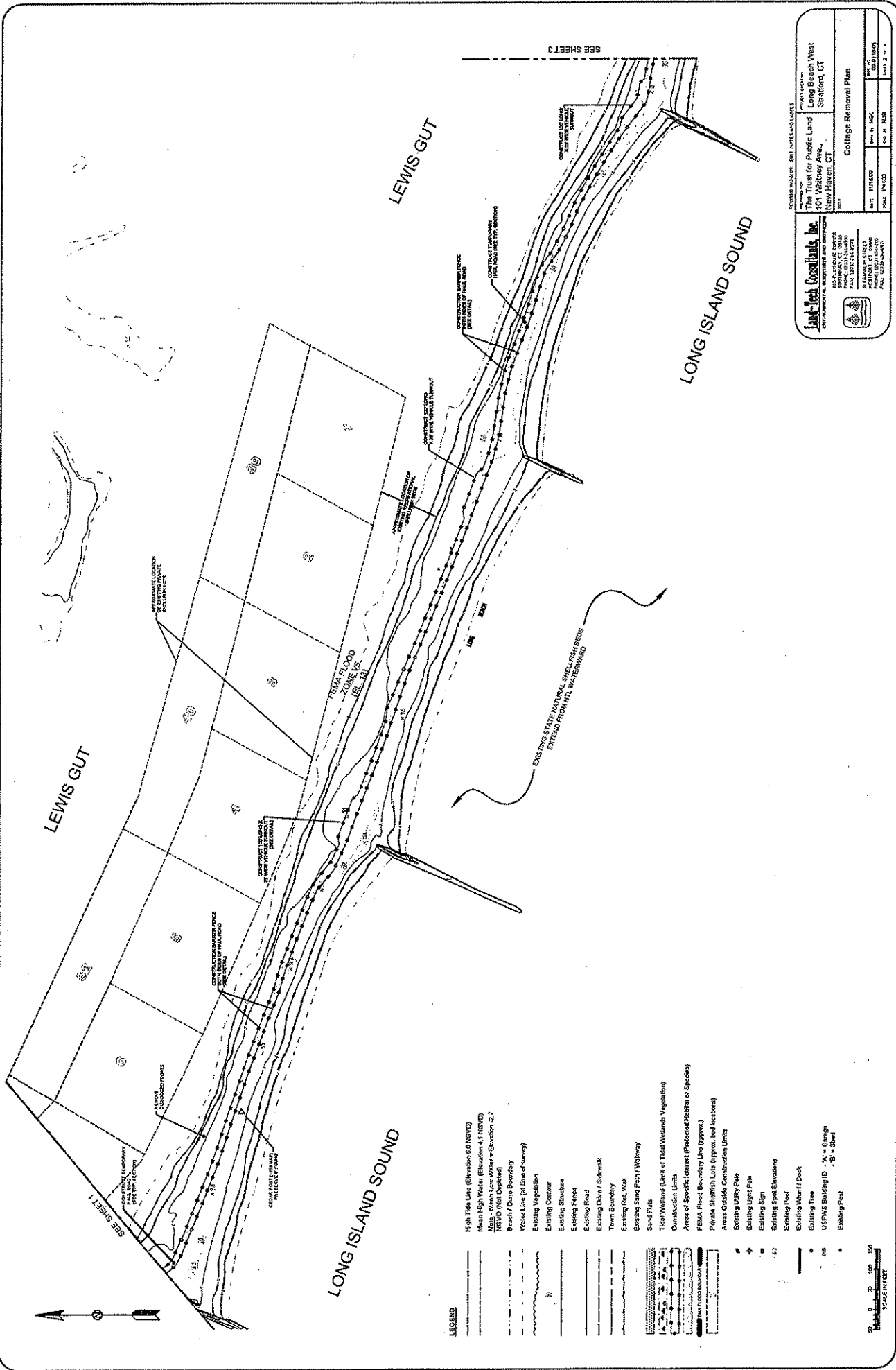
Legend



Land-Tech Consultants, Inc
 Environmental Scientists and Engineers

205 Playhouse Corner Southbury, CT 06488 ph: 203.264.8300 fax: 203.264.5995	31 Franklin Street Westport, CT 06880 ph: 203.454.2110 fax: 203.454.4971
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www.landtechconsult.com



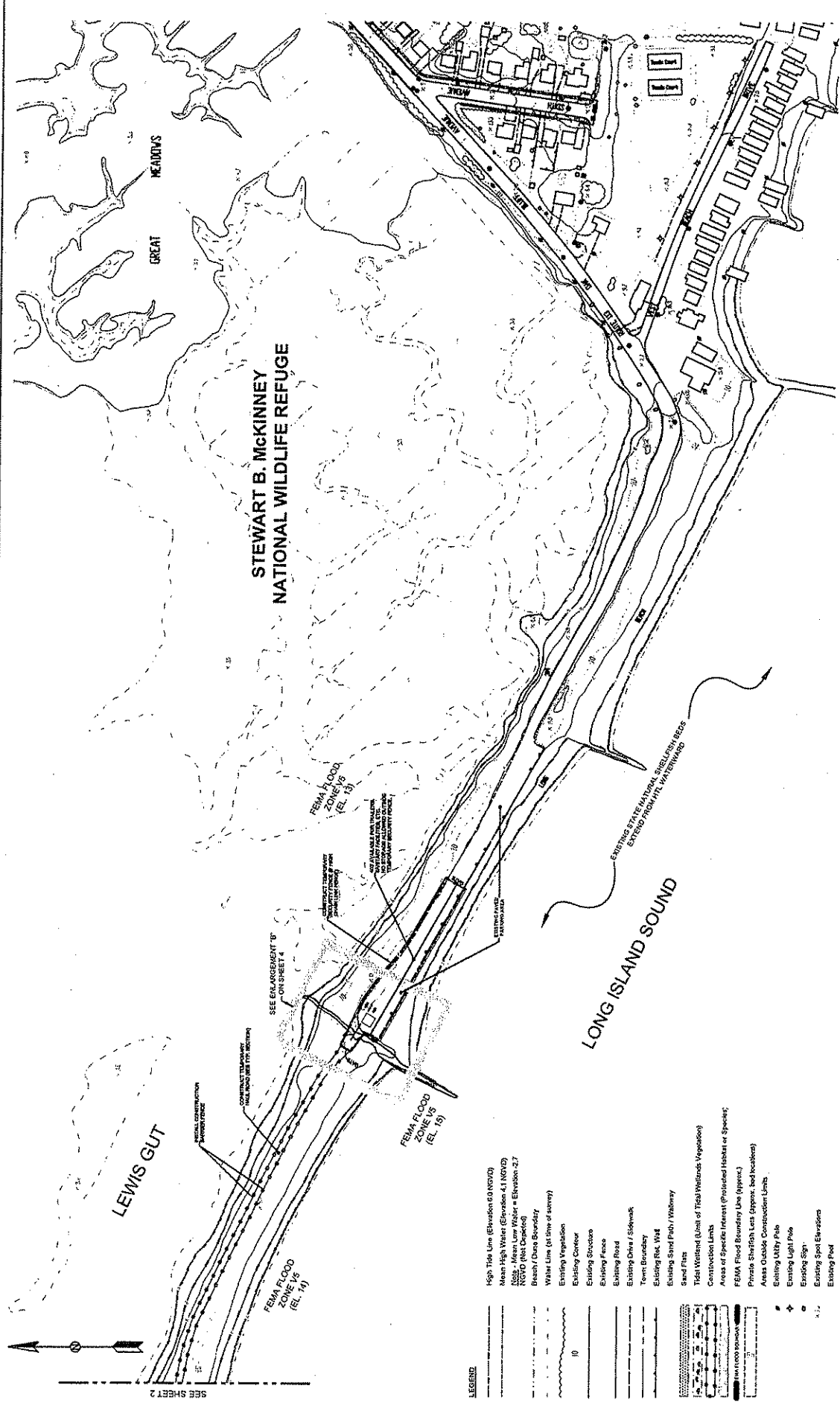
Land-Tech Consultants, Inc.
 101 Whitney Ave.,
 New Haven, CT 06510
 Phone: (203) 761-1111
 Fax: (203) 761-1112

Project Location:
Long Beach Wharf
Stratford, CT

Project Name:
Cottage Removal Plan

Scale:
 1" = 100'

Sheet:
 2 of 4



STEWART B. MCKINNEY NATIONAL WILDLIFE REFUGE

LEWIS GUT

LONG ISLAND SOUND

FEMA FLOOD
ZONE V1
(EL. 13)

FEMA FLOOD
ZONE V2
(EL. 15)

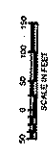
FEMA FLOOD
ZONE V3
(EL. 14)

SEE REPLACEMENT 'B'
ON SHEET 4

SEE SHEET 2

EXISTING STATE NATURAL SHELLFISH BEDS
EXTENDING FROM HTL WATERWARP

- High Tide Line (Elevation 6.0 NGVD)
- Mean High Water (Elevation 4.1 NGVD)
- MSL - Mean Low Water (Elevation -2.7 NGVD) (Mean Low Water)
- Beach Dune Boundary
- Wetland Line (at time of survey)
- Existing Vegetation
- Existing Contour
- Existing Structure
- Existing Fence
- Existing Road
- Existing Drive / Sidewalk
- Existing Ret. Wall
- Existing Sand Path / Walkway
- Sand Flats
- Tidal Wetland (Unit of Tidal Wetlands Vegetation)
- Construction Limits
- Area of Specific Interest (Proprietary Habitat or Species)
- FEMA Flood Boundary Line (Veg.)
- Pinus Sharifish Lest (approx. Red headless)
- Area Outside Construction Limits
- Existing Light Pole
- Existing Sign
- Existing Spot Elevations
- Existing Pool
- Existing Wharf / Dock
- Existing Tree
- USFWS Building ID - 'A' = Grange
- Existing Post



Land-Tech Consultants, Inc.
500 PLYMOUTH CENTER
P.O. BOX 1000
HARTFORD, CT 06103
TEL: (860) 234-1100
FAX: (860) 234-1101

PROJECT NAME
**The Trust for Public Land
Long Beach West
Stratford, CT**

DATE
10/10/08

SCALE
1" = 100'

DATE
10/10/08

SCALE
1" = 100'

REVISIONS

NO.	DATE	DESCRIPTION
1	10/10/08	Initial Design
2	10/10/08	Final Design

PROJECT LOCATION
**Long Beach West
Stratford, CT**

DATE
10/10/08

SCALE
1" = 100'

DATE
10/10/08

SCALE
1" = 100'

OFFICE OF LONG ISLAND SOUND PROGRAMS

APPENDIX A

TO: Permit Section
Department of Environmental Protection
Office of Long Island Sound Programs
79 Elm Street
Hartford, CT 06106-5127

CERTIFICATE HOLDER: United States Fish and Wildlife Service
c/o Sharon Marino
50 Bend Road
Charlestown, RI 02813

Certificate No: 200903876-KB, Stratford

CONTRACTOR 1: _____

Address: _____

Telephone #: _____

CONTRACTOR 2: _____

Address: _____

Telephone #: _____

CONTRACTOR 3: _____

Address: _____

Telephone #: _____

EXPECTED DATE OF COMMENCEMENT OF WORK: _____

EXPECTED DATE OF COMPLETION OF WORK: _____

CERTIFICATE HOLDER: _____
(signature) (date)